

- (2) a judge, retired judge, senior judge, clerk, or commissioner of a court of record;
- (3) a justice of the peace or a clerk of a justice court;
- (4) a notary public;
- (5) a member of a board or commission created by a law of this state, in a matter pertaining to a duty of the board or commission;
- (6) a person employed by the Texas Ethics Commission who has a duty related to a report required by Title 15, Election Code, in a matter pertaining to that duty;
- (7) a county tax assessor-collector or an employee of the county tax assessor-collector if the oath relates to a document that is required or authorized to be filed in the office of the county tax assessor-collector;
- (8) the secretary of state;
- (9) an employee of a personal bond office if the oath is required or authorized by Article 17.04 or by Article 26.04(n) or (o), Code of Criminal Procedure;
- (10) the lieutenant governor;
- (11) the speaker of the house of representatives;
- (12) the governor;
- (13) a legislator or retired legislator;
- (14) the attorney general;
- (15) the secretary or clerk of a municipality in a matter pertaining to the official business of the municipality; or
- (16) a peace officer described by Article 2.12, Code of Criminal Procedure, if:
  - (A) the oath is administered when the officer is engaged in the performance of the officer's duties; and
  - (B) the administration of the oath relates to the officer's duties.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed the Senate on April 26, 2007: Yeas 31, Nays 0; passed the House on May 17, 2007: Yeas 143, Nays 0, two present not voting.

Approved June 15, 2007.

Effective June 15, 2007.

## CHAPTER 373

### S.B. No. 480

#### AN ACT

relating to the definition of private or independent institution of higher education applicable to certain statutes.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subdivision (15), Section 61.003, Education Code, is amended to read as follows:

(15) "Private or independent institution of higher education" includes only a private or independent college or university that is:

(A) organized under the Texas Non-Profit Corporation Act (Article 1396–1.01 et seq., Vernon's Texas Civil Statutes);

(B) exempt from taxation under Article VIII, Section 2, of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Section 501); and

(C) accredited by:

- (i) the Commission on Colleges of the Southern Association of Colleges and Schools;
- (ii) ~~or~~ the Liaison Committee on Medical Education; or
- (iii) the American Bar Association.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Passed the Senate on April 12, 2007: Yeas 31, Nays 0; passed the House on May 17, 2007: Yeas 143, Nays 0, two present not voting.

Approved June 15, 2007.

Effective June 15, 2007.

## CHAPTER 374

### S.B. No. 512

#### AN ACT

relating to the attachment of a judgment lien to homestead property.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 52.001, Property Code, is amended to read as follows:

Sec. 52.001. ESTABLISHMENT OF LIEN. Except as provided by Section 52.0011 or 52.0012, a first or subsequent abstract of judgment, when it is recorded and indexed in accordance with this chapter, if the judgment is not then dormant, constitutes a lien on *and attaches to any ~~the~~ real property of the defendant, other than real property exempt from seizure or forced sale under Chapter 41, the Texas Constitution, or any other law, that is located in the county in which the abstract is recorded and indexed, including real property acquired after such recording and indexing.*

SECTION 2. Subchapter A, Chapter 52, Property Code, is amended by adding Section 52.0012 to read as follows:

Sec. 52.0012. *RELEASE OF RECORD OF LIEN ON HOMESTEAD PROPERTY. (a) In this section:*

(1) "Homestead" has the meaning assigned by Section 41.002.

(2) "Judgment debtor" and "judgment creditor" have the meanings assigned by Section 31.008(h), Civil Practice and Remedies Code.

(b) A judgment debtor may, at any time, file an affidavit in the real property records of the county in which the judgment debtor's homestead is located that substantially complies with Subsection (f).

(c) Subject to Subsection (d) and except as provided by Subsection (e), an affidavit filed under Subsection (b) serves as a release of record of a judgment lien established under this chapter.

(d) A bona fide purchaser or a mortgagee for value or a successor or assign of a bona fide purchaser or mortgagee for value may rely conclusively on an affidavit filed under Subsection (b) if included with the affidavit is evidence that:

(1) the judgment debtor sent a letter and a copy of the affidavit, without attachments and before execution of the affidavit, notifying the judgment creditor of the affidavit and the judgment debtor's intent to file the affidavit; and

(2) the letter and the affidavit were sent by registered or certified mail, return receipt requested, 30 or more days before the affidavit was filed to:

(A) the judgment creditor's last known address;